

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, SEPTEMBER 2, 2003  
AT 9:00 A. M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 10:11 a.m. The meeting was recessed by Mayor Murphy at 11:11 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:22 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 12:00 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 12:00 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 12:01 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. with Council Member Zucchet not present. Mayor Murphy recessed the meeting at 2:08 p.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 2:16 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 3:09 p.m. into Closed Session immediately thereafter in the 12<sup>th</sup> floor conference room to discuss pending and potential litigation and Meet and Confer matters.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (pr/er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Clenel Williams of Bibleway Temple Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

**Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, September 2, 2003**

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7/22/2003  
7/28/2003  
7/29/2003  
7/29/2003 Special Joint  
8/05/2003  
8/07/2003 Special Meeting  
8/12/2003 Adjourned  
8/18/2003 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:15 a.m. - 10:16 a.m.)

MOTION BY LEWIS TO APPROVE. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Cyndi Jones regarding the signing of the ADA Act, and wishing to present City Attorney Casey Gwinn with an award for his participation in the disability community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. - 10:35 a.m.)

PUBLIC COMMENT-2:

Comment by Don Stillwell regarding prayer, and asking that the Council collectively give thanks.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:40 a.m.)

**PUBLIC COMMENT-3:**

Comment by Noel Neudeck regarding persons with disabilities, and “I Have a Dream” by the late Dr. Martin Luther King.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:44 a.m.)

**PUBLIC COMMENT-4:**

Comment by Al Strohlein regarding wishing to commend the selection of the new Police Chief, Mr. William Lansdowne, who accompanied Mr. Strohlein to look at problems in the Pacific Beach area.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. - 10:47 a.m.)

**PUBLIC COMMENT-5:**

Comment by Ron Boshun regarding Council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. - 10:51 a.m.)

**PUBLIC COMMENT-6:**

Comment by Clive Richards regarding a gathering he recently attended in support of civil liberty.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. - 10:54. a.m.)

PUBLIC COMMENT-7:

Comment by Barbara Gordon regarding law enforcement guidelines, and drug abuse.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. - 10:58 a.m. )

PUBLIC COMMENT-8:

Comment by Jarvis Ross regarding the Naval Training Center, and the McMillian Corporation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. - 11:01 a.m.)

PUBLIC COMMENT-9:

Comment by Sky Anderson regarding rehabilitation, marijuana, and alcohol addiction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:02 a.m. - 11:05 a.m.)

PUBLIC COMMENT-10: **REFERRED TO THE CITY MANAGER**

Comment by Joaquin Williams regarding the removal of a monument at Market Street that represented the United States Fort

FILE LOCATION: AGENDA



COUNCIL ACTION: (Time duration: 11:05 a.m. - 11:08 a.m.)

**PUBLIC COMMENT-11:**

Comment by Dr. Gwendalle Cooper regarding our sister City Yanti.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:08 a.m. - 11:11 a.m.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Mayor Murphy noted that the Council has returned from a three week recess, that it was difficult last week, but that he wanted to assure the public he fully expects that the Council and himself will continue to focus on the issues facing the City. During the last spring and summer, the U. S. Attorney's investigation was on-going, yet during that time, the Council was very productive. Mayor Murphy further noted that the Council passed a difficult budget that included 30 million dollars in cuts; confirmation of a Police Chief; successfully resolved the dispute over the size of the "Park at the Park" in East Village Square; approved the appointment of two new Ethic Commissioners; authorized refinancing of the Ballpark bonds; and authorized financing of Fire and Life Safety Bonds. Those were difficult challenges, and the Council focused on them doing a very good job of discharging the responsibilities.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:14 a.m. - 10:16 a.m.)

**COUNCIL COMMENT-2:**

Mayor Murphy announced that he had spent four days in Washington D.C. discussing military base closures and the impact on San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:05 p.m.)

**CITY ATTORNEY COMMENT:**

Comment by City Attorney Casey Gwinn wishing to thank the ADA Advocacy Community for the award that they presented him today, and the incredible work they do in bringing ADA issues to the Council's attention. Mr. Gwinn stated that he was learning about these issues and coming to a better conclusion because of the people who have invested themselves.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:36 a.m. - 10:39 a.m.)

**CITY MANAGER COMMENT:**

None.

\* ITEM-50: Extension of Santa Fe Pacific Pipelines, LP, Franchise.

(Districts-1, 3, 5, 6, 7, and 8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/28/2003 (Council voted 8-0. Councilmember Madaffer voted nay.):

(O-2003-156 Cor. Copy) ADOPTED AS ORDINANCE 19208 (New Series)

Granting a non-exclusive pipeline franchise to SFPP, L.P. for a period of two years, to install, construct, maintain and operate a pipeline for the transportation of refined petroleum products and other hydrocarbon substances in certain city streets of and within the City of San Diego.

**NOTE:** 6 votes required pursuant to Section 103 of the City Charter.

**FILE LOCATION:** FRAN-SFPP, L.P.

**COUNCIL ACTION:** (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zuchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-51: Regional Public Safety Training Institute Lease.

(Peninsula Community Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/28/2003 (Council voted 9-0):

(O-2004-11) ADOPTED AS ORDINANCE O-19209 (New Series)

Authorizing the City Manager to execute an Option to Lease between the City and the San Diego Regional Public Safety Training Institute (RPSTI), for an option to lease the Property for twenty-four months on a month-to-month basis, with an option for an additional twenty-four months, in consideration for the valuable public benefit to be provided to the City by the development of a regional public safety training facility at Camp Nimitz;

Authorizing the City Manager, upon fulfillment of the conditions set forth in the Option to Lease for exercise of the option, to execute the Lease of the Property (Parcel 4.1 of NTC Reuse Plan) for a term of sixty-six years, in consideration for capital improvements to be made on the Property by RPSTI and the public benefit of a regional public safety training institute.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** LEAS-San Diego Regional Public Safety Training Institute  
(RPSTI)

**COUNCIL ACTION:** (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-52: Proposed Mission Bay Park Committee Reorganization.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/4/2003 (Council voted 9-0):

(O-2004-3) ADOPTED AS ORDINANCE O-19210 (New Series)

Amending the San Diego Municipal Code by amending Chapter 2, Article 6, Division 0, by amending Section 26.30(d), and by adding new Section 26.30(g), all relating to Mission Bay Park Committee.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-53: Animal Control Services.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/4/2003 (Council voted 9-0):

(O-2004-12 Cor. Copy) ADOPTED AS ORDINANCE O-19211 (New Series)

Amending Chapter 4, Article 4, Division 3, of the San Diego Municipal Code by repealing Section 44.0322, relating to Dog Licence Fees.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote:  
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-54: Dedicating Mid-City Athletic Area for a Public Park.

(Southeastern Community Area. District-4.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/5/2003. (Council voted 7-2. Councilmembers Maienschein and Frye voted nay):

(O-2004-14 Rev.) ADOPTED AS ORDINANCE O-19212 (New Series)

Amending San Diego Ordinance O-18766 (February 22, 2000) setting aside and dedicating in perpetuity City-owned land, known as "Mid-City Athletic Area" in the City of San Diego, California, for park and recreational purposes; and that the name of the Mid-City Athletic Area is renamed to Sunshine Berardini Field.

FILE LOCATION: DEED F-9580

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, (yea on the dedication of Sunshine Bernardini Field), Frye-nay, (yea on the dedication of Sunshine Bernardini Field), Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-55: Office Space Lease Amendment - Civic Center Plaza - Treasurer's Investment Program.

(Centre City Community Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/5/2003 (Council voted 8-1. Councilmember Frye voted nay.):

(O-2004-16) ADOPTED AS ORDINANCE O-19213 (New Series)

Authorizing the City Manager to execute an Eleventh Amendment to Lease with Civic Center Associates, a California limited liability company, for the lease of approximately 1,919 square feet, for a total monthly rental rate of \$2,686.60, for a term of approximately ten years, under the terms and conditions set forth in the Office Lease Agreement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$26,866, for rent for Fiscal Year 2004 from Citywide Fund No. 100, Department 601.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** LEAS-Civic Center Associates, a California limited liability company

**COUNCIL ACTION:** (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-60: Three actions related to Commercial Refuse Collection Hours of Operation.

(See City Manager Report CMR-03-149. Downtown Community Area. District-2.)

**TODAY'S ACTIONS ARE:**

Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B and C:

Subitem-A: (O-2004-15) INTRODUCED, TO BE ADOPTED ON MONDAY,  
SEPTEMBER 15, 2003

Introduction of an Ordinance amending Chapter 8, Article 5, of the San Diego Municipal Code by deleting Section 85.01(e) relating to Commercial Refuse Collection Hours of Operation.

Subitem-B: (R-2004-190) ADOPTED AS RESOLUTION R-298317

Authorizing a one-year pilot program, as recommended by the City's Refuse Collection Task Force, to study the effectiveness of regulatory and other measures to reduce the existing noise levels and enhance the efficiency of commercial refuse collection in specified areas of downtown San Diego.

Subitem-C: (R-2004-191) ADOPTED AS RESOLUTION R-298318

Directing the City Manager to develop and issue a Waste Management Regulation to implement and administer the one-year pilot program set forth in detail in City Manager Report CMR-03-149.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/16/2003, NR&C voted 5 to 0 to approve the City Manager's recommendations and, as part of the six-month status report, provide breakdown of costs associated with the pilot program. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

FILE LOCATION: SUBITEM A: NONE  
SUBITEM B & C: MEET

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE IN  
SUBITEM A, AND TO ADOPT THE RESOLUTIONS IN SUBITEMS B AND C.

Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea,  
Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-100: Inviting Bids and Award of Contract for the Construction of Mira Sorrento Place -  
Scranton Road to Vista Sorrento Parkway.

(Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-171)            ADOPTED AS RESOLUTION R-298344

Approving the plans and specifications for the construction of Mira Sorrento Place  
- Scranton Road to Vista Sorrento Parkway (Project) on Work Order No. 526760;

Authorizing the City Manager, after advertising for bids in accordance with law, to  
establish contract funding phases and to award the Project contract to the lowest  
responsible and reliable bidder in an amount not to exceed \$5,500,000, provided  
that the City Auditor and Comptroller first furnishes one or more certificates  
certifying that the funds necessary for expenditure under established contract  
funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed  
\$1,089,620 from CIP-29-292.0, Hage (Westview) Neighborhood Park, Fund  
79006, and an amount not to exceed \$1,179,480 from CIP-29-727.0, Winterwood  
Lane (S. Crista McAuliffe) Community Park - Phase II, Fund 79006, to CIP-52-  
676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, and to  
appropriate the funds for the Project;

Authorizing the expenditure of an amount not to exceed \$11,277,898.96 from  
CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway,  
for the purpose of providing funds for the Project (including design, construction,



and property acquisition) and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer as follows: Phase I funding in an amount not to exceed \$9,027,900 from CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, including \$8,661,900 from Fund 79006 and \$366,000 from Fund 63022; and Phase II funding in an amount not to exceed \$2,249,998.96 available in Fiscal Year 2005 from Fund 79006;

Directing the City Manager to process amendments to the Mira Mesa Public Facilities Financing Plan in Fiscal Year 2004 or at the earliest possible time thereafter for the construction of CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, which will add \$2,249,998.96 in Fiscal Year 2005;

Authorizing the expenditure of an amount not to exceed \$1,000,000 from CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, Fund 79006, Facilities Benefit Assessment (FBA), for the acquisition of property rights, labor, title, escrow, and miscellaneous costs as required for the Project;

Authorizing the City Manager to execute a construction agreement with San Diego Gas & Electric Company, for the relocation of its utilities which conflict with the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the agreement are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to execute a construction agreement with SFPP/Kinder Morgan, for the relocation of its utilities which conflict with the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the agreement are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to conduct all negotiations, and to process, execute, and submit all documents, including but not limited to applications, agreements, amendments, and payment invoices, which may be necessary for completion of the Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves (BID-K03829).

**CITY MANAGER SUPPORTING INFORMATION:**

Mira Sorrento Place-Scranton Road to Vista Sorrento Parkway consists of widening the existing two-lane 560 feet portion of Mira Sorrento Place from (40' road width, 55' right-of-way) to a four-lane collector (72' road width, 92' right-of-way), and extending the road by 1,160' to intersect with Vista Sorrento Parkway at the existing on/off ramps to the Interstate 805 freeway in accordance with the community plan. The construction of Mira Sorrento Place will provide access to Scranton Road from I-805 which will reduce the traffic volume at the Mira Mesa Boulevard and Scranton Road intersection and improve traffic circulation. The project includes the relocation of existing underground and above ground utilities within the SDG&E owned utility easement that runs across the proposed Mira Sorrento Place extension portion. The utilities relocation consists of relocating SDG&E (30" Natural Gas Pipeline), Kinder-Morgan (16" & 10" Petroleum Pipelines) and MCI (Telephone). The utility companies will utilize their own contractors to perform the relocation work. Additionally, the project includes acquiring the right-of-way and easements for the project.

This action will provide a contract for the construction of the project (the construction contract will be phase-funded with an estimated Phase I construction cost of \$3,250,000 and Phase II construction cost of \$2,249,998.96), and will provide the Real Estate Assets Department with the necessary funding to acquire the required right-of-way and easements for the project from five owners. The total cost of property rights is \$1,000,000 with \$900,000 (rounded) for land, \$100,000 for title, labor, and miscellaneous expenses. The total appraisal value for five properties is \$891,200 as appraised by James Brabant, MAI, March 18, 2003, and by Ted Hendrickson, MAI, December 15, 2002.

The Planning Commission in their meeting dated July 31, 2003 approved and adopted the project's MND, LDR- 41-1031, Mitigated Negative Declaration, and the Site and Coastal Development Permits (CDP/SDP No. 1662).

**FISCAL IMPACT:**

Funds for the above action are available in CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway: Phase I - \$9,027,900 from Fund No. 79006, Mira Mesa Facilities Benefit Assessment (FBA), and from Fund No. 63022, Private (PRIV), and Phase II - \$2,249,998.96 in FY 2005 from Fund No. 79006, Mira Mesa Facilities Benefit Assessment (FBA), contingent upon the funds available. Funds are available from the Hage Neighborhood Park project which has been completed but has not yet been closed out. The use of FBA funds from the McAuliffe Park project reflects a change in priority of park projects by the community. The change in project priority will be part of the Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment update for FY 2004 soon to be heard by the City Council.

Loveland/Belock/PB

Aud. Cert. 2400079.

FILE LOCATION: W. O. 526760

COUNCIL ACTION: (Time duration: 2:16 p.m. - 2:29 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-101: Library Improvement Trust Fund.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-215)

ADOPTED AS RESOLUTION R-298319

Authorizing the City Manager to create the Library Improvements Trust Fund with proceeds to be used to fund improvements to all facilities in the San Diego Public Library system, including but not limited to, site preparation, design, construction, landscaping, plus the purchase of furnishings, fixtures, equipment, supplies and library materials;

Authorizing the City Auditor and Comptroller to establish an interest bearing trust fund, to facilitate the receipt of donations and the expenditures of revenues for the purposes listed above.

**CITY MANAGER SUPPORTING INFORMATION:**

In November, 2002, the City Council approved the conceptual financing plan for the construction and improvements of library system facilities. Included in that plan was a total of \$53.3 million to come from private sources of funds.

In past years, the Library Department has worked with the City Auditor and Comptroller to set up a number of trust funds for individual branch libraries and the new Main Library as donations became available to the City. That has resulted in ten separate trust fund being set up to date, with the need for additional funds to be established due to recent request from donors.

Every individual trust fund requires monitoring throughout the year, as well as separate financial reports to be completed by the City Auditor at the end of each fiscal year. Creation of the Library Improvements Trust Fund, which will have separate revenue accounts and expenditure accounting set up for every library facility as well as a systemwide account, will allow for the consolidation of numerous separate trust funds, reducing the costs associated with maintaining a number of separate funds.

It will also eliminate the need to return to City Council each time a new account needs to be set up as it will be able to be done administratively by request of the Library Department to the City Auditor.

**FISCAL IMPACT:**

There will be some savings to the City due to the reduction of staff time required to complete year-end financial reports.

Herring/Tatar/CY

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-102: Additional Funding for Construction of Traffic Signal at Kearny Villa Road and State Route-52 Westbound Ramps.

(Kearny Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-206)

ADOPTED AS RESOLUTION R-298320

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$76,000 from Fund 79530, DIF, to CIP-62-292.0, Construction of Traffic Signals-DIF Funded;

Authorizing the City Auditor and Comptroller to amend the Fiscal year 2004 Capital Improvements Program budget by appropriating an amount not to exceed \$76,000 into CIP-62-292.0, Construction of Traffic Signals-DIF Funded;

Authorizing an additional expenditure in an amount not to exceed \$76,000 from CIP-62-292.0, Construction of Traffic Signals, for the purpose of construction of a traffic signal at Kearny Villa Road and State Route-52 Westbound Ramps (Job Order 622929), provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

This project was originally programmed for a total of \$200,000 in DIF funds, but at one time it was estimated that \$124,000 would be sufficient, and that amount was eventually appropriated for the project.

However, this location is one where the design and construction involved coordination with and permitting through CalTrans. Staff coordinated the scope of the project for permitting with CalTrans and based on the final design and permit process, the revised estimate is again \$200,000. The permit and review process resulted in additional project scope due to revised standards per CalTrans (revised pole and pole construction specifications) and the attendant costs of design and permit review. In addition, the cost estimate was updated to reflect current equipment costs for signal poles, traffic signal heads, and other equipment have increased since the \$124,000 estimate was done. This action is to transfer \$76,000 from DIF-79530 to CIP-62- 292.0, and would result in the project receiving the original amount of \$200,000.

**FISCAL IMPACT:**

The estimated total cost of this project is \$200,000. With this action, funds would be available in CIP-62-292.0.

Loveland/Belock/PB

Aud. Cert. 2400126.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-103: Economic Development and Tourism Support Program Carry-Over (TOT) Funds.

(Mid-City/City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-130) ADOPTED AS RESOLUTION R-298321

Authorizing the carry over of funds not expended from the FY 2003 TOT Economic Development and Tourism Support (EDTS) program in the amount of \$6,427.39 to FY 2004;

Authorizing the City Auditor and Comptroller to carry over \$6,427.39 from the FY 2003 EDTS program, AC #2301217 (Fund 10220, Dept. 922, Org. 4105, Job Order No. 004105), to FY 2004 to be used solely and exclusively for the purposes set forth in the City's FY 2003 contract with the City Heights Business Improvement Association.

**CITY MANAGER SUPPORTING INFORMATION:**

In the FY 2003 TOT EDTS fund allocation process, the Mayor and City Council allocated \$44,070 to the City Heights Business Improvement Association (CHBIA). On November 15, 2002, the Community and Economic Development Department (CED), in keeping with a decision to facilitate a new strategic planning process for City Heights' businesses, terminated the City's FY 2003 agreement with CHBIA (agreement recorded as Document C-11524, dated August 21, 2002). This agreement covered the period from July 1, 2002 to June 30, 2003. As a result of the decision to terminate the agreement with CHBIA, there were delays in preparing and performing all the scope of services of this agreement. On June 17, 2003, the San Diego City Council unanimously approved the reprogramming of the remaining (\$20,502.39) and designated the City Heights Community Development Corporation (CHCDC) to complete the original scope of services contained in the CHBIA's FY 2003 agreement.

The requested action will carry over funds (\$6,427.39) not expended in FY 2003 to FY 2004. If approved, this action will allow City Heights CDC to complete the original scope of services in the first quarter of FY 2004.

**FISCAL IMPACT:**

\$6,427.39 from the FY 2003 EDTS program will be carried over to FY 2004.

Herring/Cunningham/LO

Aud. Cert. 2301217.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-104: Memorandum of Understanding (MOU) on Cross Border Communications and Emergency Response Strategies between the City, County, and Tijuana, Baja California, Mexico.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-196)

ADOPTED AS RESOLUTION R-298322

Authorizing the City Manager to approve the participation of the City of San Diego in a Memorandum of Understanding (MOU) between the City and the County of San Diego and the City of Tijuana, Baja, Mexico, in order to reinforce communications and cooperation among these jurisdictions in the event of emergency incidents involving explosions, fires, spills or releases of hazardous materials into the environment.

**CITY MANAGER SUPPORTING INFORMATION:**

The U. S. Environmental Protection Agency has provided an opportunity for border cities to develop a binational emergency response plan. Fourteen pairs of "sister cities" have been designated to enact similar agreements. The proposed MOU addresses joint communication and planning tactics required for the mitigation of incidents that present a threat to the environment, i.e., fires, explosions or hazardous materials incidents. The proposed MOU is intended to serve as a guide to emergency response planning among the three jurisdictions, (the City of San Diego, the County of San Diego and the City of Tijuana, Baja California) particularly in the area of communications and cooperation in the event that such an incident occurs within two miles of the border.

**FISCAL IMPACT:**

None with this action.

Ewell/Bowman/FCW

FILE LOCATION:

MEET

COUNCIL ACTION:

(Time duration: 10:16 a.m. - 10:25 a.m.)



CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-105: California State Library “Public Library Education Program” Grant.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-234)

ADOPTED AS RESOLUTION R-298323

Authorizing the City Manager to accept and expend funds from the California State Library, for the purposes of implementing the project “Public Library Staff Education Program” with Library Services and Technology Act (LSTA) funding in Fiscal Year 2004;

Authorizing the City Manager to apply for, accept, and expend any available funds from this program in Fiscal Years 2005-2008;

Authorizing the City Auditor and Comptroller to establish a fund for the purpose of handling the accounting to facilitate the process of tracking revenue and expenditures for this project.

**CITY MANAGER SUPPORTING INFORMATION:**

The San Diego Public Library is requesting authorization to accept funding from the California State Library and to establish a fund for the purposes of tracking grant revenue and expenditures for the “Public Library Education Program.” This statewide program has been developed to address the formal library education needs of California public library staff seeking a Master’s degree in library and information science. This program is intended to assist public library staff who are seeking or working on securing a library degree, by supplying grant funds to the applicant student’s employing library for reimbursement of the student’s course tuition costs. The ultimate goal of this program is to address the need for more librarians in public libraries available to serve underserved and geographically isolated populations, and children and young adults.

The proposed project would allow the San Diego Public Library to provide scholarships for staff throughout the library system. Qualified students receive reimbursement for classes taken as requirements for receiving their Masters of Library Science Degree.

**FISCAL IMPACT:**

The scholarships for FY 2004 will be paid for with \$9,675 in Federal grant funding from the Library Services and Technology Act, distributed by the California State Library. Scholarship funding in FY 2005-2008 will be determined by available funds from the California State Library and the number of qualified applicants from the San Diego Public Library.

Herring/Tatar/DLP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-106: California State Library “People with Disabilities” Library Services Grant.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-233) ADOPTED AS RESOLUTION R-298324

Authorizing the City Manager to accept and expend funds from the California State Library, for the purpose of implementing the project “Public Library Services for People with Disabilities” with Library Services and Technology Act (LSTA) funding;

Authorizing the City Auditor and Comptroller to establish a fund for the purpose of handling the accounting to facilitate the process of tracking revenue and expenditures for this project.

**CITY MANAGER SUPPORTING INFORMATION:**

The San Diego Public Library is requesting authorization to accept funding from the California State Library and to establish a fund for the purposes of tracking grant revenue and expenditures for "Public Library Services for People with Disabilities," part of a statewide initiative to assist public library jurisdictions in developing and implementing services more responsive to the needs of people with disabilities in their individual communities.

The proposed project would allow the San Diego Public Library to provide special computer workstations in nine branches (proposed are the Balboa, Beckwourth, Linda Vista, Mira Mesa, Mission Valley, North Park, Otay Mesa and Carmel Mountain Ranch Branches, and the Central Library). These sites were chosen because they serve the largest number of the targeted community in need of these services: 18 to 22 year old developmentally disabled students who are leaving the education system and entering the workforce. Each workstation would consist of a computer with an electrically adjustable table and special input devices (for physical accessibility), and provide 15 software programs at varying levels to aid the transition students to attain useful life skills which will lead them to more independent lives.

In partnership with Transition Resources for Adult Community Education (TRACE), the Library will seek to not only provide training in utilizing the computer equipment but also recruit tutors from the students who will serve to train others in the use of the software programs, set an example for others with developmental disabilities, and, in turn, gain needed self-esteem (which is another step in gaining personal independence). In addition to the computer workstations, the Library will provide materials and assistance with the learning process. The goal is to make the Library become a true, life long resource for people with these disabilities, and help them to be better educated more productive citizens. The results of this program will extend beyond the targeted branches and be beneficial systemwide.

**FISCAL IMPACT:**

The project will be paid for with \$50,000 in Federal grant funding from the Library Services and Technology Act, distributed by the California State Library.

Herring/Tatar/DLP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-107: Appointments to the Development Services Department Budget Working Group.

(See memorandum from Mayor Murphy dated 8/7/2003.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-230) ADOPTED AS RESOLUTION R-298325

Reassigning the Budget Workgroup chaired by Councilmember Peters (and including Councilmembers Madaffer and Atkins) from the Park and Recreation Department to the Development Services Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-108: Reappointments to the Commission for Arts and Culture.

(See memorandum from Mayor Murphy dated 8/12/2003, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-219) ADOPTED AS RESOLUTION R-298326

Council confirmation of the following reappointments by the Mayor, to serve as members of the Commission on Arts and Culture, for terms ending as indicated.

| <u>REAPPOINTMENTS</u> | <u>TERM ENDING</u> |
|-----------------------|--------------------|
|-----------------------|--------------------|

|                     |           |
|---------------------|-----------|
| Claire Anderson     | 8/31/2005 |
| Courtney A. Coyle   | 8/31/2005 |
| Jeff Dunigan        | 8/31/2005 |
| Dr. Joyce M. Gattas | 8/31/2005 |
| Aida M. Mancillas   | 8/31/2005 |
| Faye H. Russell     | 8/31/2005 |

Declaring that Vivian Reznik, who has served on the Commission since 1997 and currently is the chair, will continue to serve as chair until her term expires on 8/31/2004.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION TO CONFIRM THE REAPPOINTMENTS. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-109: Ethics Commission Audit Manual.

(See memorandum from Charles B. Walker dated 7/28/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-211) CONTINUED TO TUESDAY, SEPTEMBER 9, 2003

Approving the City of San Diego Ethics Commission Revised Audit Manual, for use by the Ethics Commission.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 08/06/2003, RULES voted 4 to 0 to approve the revisions to the City of San Diego Ethics Commission Audit Manual. (Councilmembers Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea. Councilmember Peters not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:30 a.m. - 10:32 a.m.; 3:02 p.m. - 3:03 p.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, SEPTEMBER 9, 2003. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-not present, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-110: 252 Corridor Between 38<sup>th</sup> Street To End Of Park Boulevard Underground Utility District.

(Southcrest Community Plan Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2004-208) ADOPTED AS RESOLUTION R-298327

A Resolution calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of an Underground Utility District financed through SDG&E Annual Allocation Funds (Case 8209).

Subitem-B: (R-2004-210) RESOLUTION TO BE HEARD ON TUESDAY,  
SEPTEMBER 30, 2003

A Resolution establishing an Underground Utility District financed through SDG&E Annual Allocation Funds (Case 8209).

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Underground City Utilities," and will underground the overhead utility facilities within the designated district.

The formation of this district will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service.

However, San Diego Gas & Electric will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form.

**FISCAL IMPACT:**

SDG&E Cost: The construction cost of \$520,000 will be financed through the use of SDG&E Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). Indirect cost such as street light replacement, tree replacement, street improvement, minor City forces, and other related work estimated at \$120,000 will be available in CIP-37-028.0, Fund 30101, Underground Surcharge Fund-CIP, contingent upon receipt of funds from San Diego Gas & Electric.

Loveland/Belock/PB/NB

FILE LOCATION: SUBITEMS A & B: STRT-K-318 (38)

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1433)      ADOPTED AS RESOLUTION R-298329

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION:              GEN'L-State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION:              (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-112: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-84)      ADOPTED AS RESOLUTION R-298330

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.



FILE LOCATION: GEN'L-State of Emergency due to economic circumstances in the San Diego-Tijuana border region

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-113: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1220) ADOPTED AS RESOLUTION R-298331

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER'S SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L-Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

- \* ITEM-114: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1427)            ADOPTED AS RESOLUTION R-298332

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION:            GEN'L-State of Emergency Due to Severe Shortage of Affordable Housing in the City

COUNCIL ACTION:            (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Urban Area Security Initiative - Part II (UASI-I) Grant Program.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-235)            ADOPTED AS RESOLUTION R-298345

Authorizing the City Manager, Director of Homeland Security, or the duly designated representative, to apply for the FY 2003 Urban Areas Security Initiative - Part II (UASI-II) Grant Program;

Authorizing the City Manager, Director of Homeland Security, or the duly designated representative, to take all necessary steps to secure the grant funds from the FY 2003 Urban Areas Security Initiative - Part II Grant Program;

Authorizing the City Manager, Director of Homeland Security, or the duly designated representative, to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, and payment requests, which may be necessary to comply with the FY 2003 Urban Areas Security Initiative - Part II Grant Program;

Authorizing the City Manager, Director of Homeland Security, or the duly designated representative, to accept, appropriate, expend, and administer the grant funds, if secured, in accordance with the terms and conditions set forth in the FY 2003 Urban Areas Security Initiative - Part II Grant Program.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego has been identified by the federal Department of Homeland Security (DHS) as the “core City” for the San Diego Urban Area’s participation in the Urban Area Security Initiative - Part II. The urban Area has been defined as the eighteen incorporated cities in San Diego County, the county and the related special districts. As the core City, San Diego will be the grantee and administrator of up to \$11,360,000 Homeland Security Grant to the San Diego Urban Area. The UASI-II grant will be awarded in two phases. The first phase award can be up to 25% of the total grant and is to be used to complete a Threats/Vulnerabilities/Capabilities Needs Assessment by September 15, 2003 and then develop an Urban Area Security Strategy by October 15, 2003. While the focus of this program is weapons of mass destruction (WMD) preparedness, the benefits will be seen in all of the emergency preparedness programs in the region.

Once the strategy is developed and accepted by the California Office of Homeland Security (CA-OHS) and DHS, the remaining 75% of the funds will be awarded to move forward with the execution of the strategy. The UASI-II program mandates a strong partnership between the City and the County of San Diego. Any allocation of funds awarded via this program must be mutually endorsed by the City’s Homeland Security Director and the County’s Director of the Office of Emergency Services.

Arellano/Lee

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:54 p.m. - 3:01 p.m.)

MOTION BY FRYE TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-not present, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**ITEM-250: SUBMISSION OF BALLOT PROPOSALS**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 2, 2004 election:

| <u>DAY</u> | <u>DATE</u>           | <u>DAYS<br/>BEFORE<br/>ELECTION</u> | <u>EVENT</u>   |
|------------|-----------------------|-------------------------------------|--|
| Friday     | 9/26/2003             | 158                                 | LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee |
| Wednesday  | 10/1/2003             | 153                                 | Rules Committee review   |
| Monday     | 10/27/2003            | 127                                 | Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee   |
| Monday     | 11/3/2003             | 120                                 | Council adopts propositions for ballot; directs City Attorney to prepare ordinances  |
| Monday     | through<br>11/17/2003 | to<br>106                           |  |
| Monday     | 11/24/2003            | 99                                  | Council adopts ordinances prepared by City Attorney  |
| Friday     | 12/5/2003             | 88                                  | Last day for City Clerk to file with Registrar of Voters all elections material  |
| Thursday   | 12/18/2003            | 75                                  | Last day to file ballot arguments with City Clerk  |

If you have any questions, please contact the Office of the City Clerk, 533-4025.

ITEM-330: Conditional Use Permit 2003-17 - Tailgate Park.

(See Centre City Development Corporation Report CCDC-02-17. Centre City Redevelopment Project Area. Districts-2 and 8.)

(Continued from the meeting of 8/5/2003, Item 334, at the request of Councilmember Zucchet, for further review.)

NOTE: Hearing open. Testimony taken on August 5, 2003.

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-192)

ADOPTED AS RESOLUTION R-298346

Approving Conditional Use Permit 2003-17 for the Tailgate Park Surface Parking Lot, an approximately 1,040-space surface parking lot on the four blocks bounded by 12<sup>th</sup> and Imperial Avenues and K and 14<sup>th</sup> Streets in the East Village District of the Centre City Community Plan Area.

NOTE: See Item 331 on today's docket for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:29 p.m. - 2:54 p.m.)

MOTION BY ZUCCHET TO ADOPT WITH THE FOLLOWING DIRECTION: THE CONDITIONAL USE PERMIT SHALL INCLUDE SPECIFIC TAILGATE ACTIVITIES SUCH AS THE CONSUMPTION OF ALCOHOL AND THE PREPARATION AND CONSUMPTION OF FOOD. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-not present, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Two actions related to Inviting Bids and Award of Contract for Tailgate Park and the D1/D2 Surface Parking Lots.

(Centre City Redevelopment Project Area. Districts-2 and 8.)

(Continued from the meeting of 8/5/2003, Item 335, at the request of Councilmember Zucchet, for further review.)

NOTE: Hearing open. Testimony taken on August 5, 2003.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-178) ADOPTED AS RESOLUTION R-298347

Approving the plans and specifications for the construction of Tailgate Park and the D1/D2 Surface Parking Lots. (Project) on Work Order No. 117640;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$3,711,006, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$3,711,006 from Ballpark Infrastructure, CIP-39-228.1, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K041692)

Subitem-B: (R-2004-179) ADOPTED AS RESOLUTION R-298348

Stating for the record that the information contained in the FSEIR, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of

CEQA Guideline Section 15162 would warrant any additional environmental review in connection with the approval of Tailgate Park and D1/D2 Surface Parking Lots;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

CITY MANAGER SUPPORTING INFORMATION:

Tailgate Park and the D1/D2 Surface Parking Lots is a part of the City's Ballpark Infrastructure Project. This action involves the construction of two surface parking lots, Tailgate Park and D1/D2 Surface Lots.

This work was originally anticipated to be performed by the DCM (Sverdrup Civil Inc.) concurrently with other work. It was determined that it is more cost effective to perform this work separately, now that the bulk of Sverdrup's other responsibilities are complete. Savings from the DCM contract have been released and are available to fund this expense.

Tailgate Park, a surface parking lot, includes grading, asphalt paving, landscaping, sidewalk repairs, storm drains, irrigation, street lights, fencing, a trellis, and street signal modifications. The lot will extend from "K" Street to Imperial Avenue between 12<sup>th</sup> Avenue and 14<sup>th</sup> Street.

Tailgate Park will provide 1,048 parking spaces.

The D1/D2 surface lot includes grading, asphalt paving, landscaping, sidewalk repairs, storm drains, irrigation, and fencing. The lot will extend from 11<sup>th</sup> Avenue to Park Boulevard south of Imperial Avenue.

The D1/D2 lot will provide 443 parking spaces.

There are several redevelopment efforts underway in the East Village area of downtown. Parking is critical to this redevelopment and is prescribed in the Final Subsequent Environmental Impact Report for the Ballpark and Ancillary Development Projects. In order to provide the public convenience to the redevelopment project and comply with the Environmental Impact Report, it is necessary to continue with the surface parking lot construction.

Currently, demolition is about to begin as a separate project on the remaining two blocks of Tailgate Park with structures remaining.

FISCAL IMPACT:

\$3,711,006 will be funded through Fund 30244 for the construction of Tailgate Park and D1/D2 Surface Lots. These are not new monies, but are funds that were originally allocated as part of the DCM contract, subsequently released, and are now available for this purpose.

Herring/MCW

NOTE: See Item 330 on today's docket for a companion item.

FILE LOCATION: SUBITEMS A & B: W.O. 117640

COUNCIL ACTION: (Time duration: 2:29 p.m. - 2:54 p.m.)

MOTION BY ZUCCHET TO ADOPT WITH THE FOLLOWING DIRECTION: THE OPERATIONAL PLAN SHALL COME BACK TO THE CITY COUNCIL FOR APPROVAL. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-not present, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\*ITEM-S500: Steve Bimson Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-214) ADOPTED AS RESOLUTION R-298333

Recognizing Steve Bimson for his years of hard work to promote innovative fuel technologies, and commending him for his commitment to improve the environment and the community of San Diego;

Proclaiming August 8, 2003 to be "Steve Bimson Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



\*ITEM-S501: Excusing Councilmember Jim Madaffer from the September 8<sup>th</sup> and 9<sup>th</sup> City Council Meetings and the September 10<sup>th</sup> Natural Resources and Culture Committee Meeting.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-259 COR. COPY)                      ADOPTED AS RESOLUTION R-298334

Excusing Councilmember Jim Madaffer from attending the regularly scheduled City Council meetings of September 8 and 9, 2003, and the September 10, 2003, Natural Resources and Culture Committee meeting due to Councilmember Madaffer representing the City of San Diego at the Annual League of California Cities Board of Directors Conference in Sacramento, California.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\*ITEM-S502: Adjourning 2:00 P.M. September 8, 2003, Council Meeting Until 6:00 P.M. Meeting to be Held at San Diego Convention Center at 111 W. Harbor Drive, San Diego, California.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-265)                      ADOPTED AS RESOLUTION R-298335

Declaring that a night City Council meeting shall be scheduled for Monday, September 8, 2003, and shall be conducted at the San Diego Convention Center at 111 W. Harbor Drive, San Diego, California, in Room 5 located on the Upper Level, said meeting scheduled to commence at 6:00 p.m.;

Adjourning the regularly scheduled 2:00 p.m. Council meeting.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:25 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S503: Veterans Village of San Diego.

Matter of approving, conditionally approving, modifying or denying an amendment to Conditional Use Permit No. 90-1127 to expand an existing 87 bed residential care facility to 224 beds and 24 transitional apartment units, including vacation of portions of the public right-of-way at Pacific Highway and Kurtz Street between Witherby Street and Coutts Street, and portions of Witherby Street between Kurtz Street and Coutts Street. The project site comprises approximately 5 acres bounded by Witherby Street, Pacific Highway, Coutts Street and the railroad tracks east of Kurtz Street, in the IS-1-1 zone, Airport Approach and Coastal Height Limit Overlay zones, within the North Bay Redevelopment Project Area and Midway/Pacific Highway Corridor Community Plan.

(See City Manager Report CMR-03-175. DDA/MND No. 42-0378, LDR No. 3787/MMRP/Public R-O-W Vacation No. 6195/Public R-O-W Vacation No. 22430/CUP No. 6194 (Amendment to CUP No. 90-1127)/PTS No. 3787. Midway/Pacific Highway Corridor Community Plan Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in subitems A, B, C, D, E, F, G, and H:

Subitem-A: (R-2004-226) ADOPTED WITH DIRECTION AS RESOLUTION  
R-298336

Adoption of a Resolution approving the Disposition and Development Agreement between the Redevelopment Agency of the City of San Diego and Vietnam Veterans of San Diego; approving the sale of property in the North Bay Redevelopment Project area; and making certain findings with respect to the Disposition and Development Agreement and the sale.

Subitem-B: (R-2004-245) ADOPTED AS RESOLUTION R-298337

Adoption of a Resolution authorizing the City Manager or designee to convey real property to the Redevelopment Agency for the purposes of implementing the redevelopment plan for the North Bay Redevelopment Project area.

Subitem-C: (R-2004-247) ADOPTED AS RESOLUTION R-298338

Adoption of a Resolution making certain findings with respect to funding the acquisition of land for the Vietnam Veterans Village Project in the North Bay Redevelopment Project area.

Subitem-D: (R-2004-225) ADOPTED AS RESOLUTION R-298339

Adoption of a Resolution determining that the use of funds from the Horton Plaza Redevelopment Project Low and Moderate Income Housing Fund towards the construction of transitional housing for homeless veterans in the North Bay Redevelopment Project will be of benefit to the Horton Plaza Redevelopment Project.

Subitem-E: (R-2004-244) ADOPTED AS RESOLUTION R-298340

Adoption of a Resolution certifying that Mitigated Negative Declaration, LDR No. 3787, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, the applicable State guidelines (California Code of Regulations section 15000 et seq.), the National Environmental Policy Act, and that the Finding of No Significant Impact/Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions and the DDA for the Veterans Village of San Diego Project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and, therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-F: (R-2004-239) ADOPTED AS RESOLUTION R-298341

Adoption of a Resolution vacating portions of Kurtz Street and Witherby Street, reserving out a general utility easement, as more particularly described in the legal description, marked as Phase I on Exhibit "A," and shown on Drawing No. 20112-B, marked as Exhibit "B," on file in the office of the City Clerk;

That the resolution shall not become effective unless and until the filing of a lot consolidation Parcel Map which shows evidence of no landlocked parcels. In the event the above map is not filed within three years following the adoption of this resolution, this resolution shall become void and be of no further force or effect;

That prior to the recordation of the Parcel Map vacating portions of Kurtz Street and Witherby Street, public improvements to reconfigure the intersections of Witherby Street and Coutts Street on Kurtz Street (per Conditional Use Permit No. 6194, dated September 2, 2003) shall be installed to the satisfaction of the City Engineer;

That this resolution shall not become effective unless and until Conditional Use Permit No. 6194, and the Disposition and Development Agreement between Vietnam Veterans of San Diego and the Redevelopment Agency of the City of San Diego, is approved by the Council;

That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions, and the City Clerk shall cause a certified copy of this resolution, attested by him under seal, to be recorded in the office of the County Recorder.

Subitem-G: (R-2004-238) ADOPTED AS RESOLUTION R-298342

Adoption of a Resolution vacating portions of Pacific Highway and Witherby Street, reserving out a general utility easement, as more particularly described in the legal description, marked as Phase I on Exhibit "A," and shown on Drawing No. 20112-B, marked as Exhibit "B," on file in the office of the City Clerk;

That the resolution shall not become effective unless and until the filing of a lot consolidation Parcel Map which shows evidence of no landlocked parcels. In the event the above map is not filed within three years following the adoption of this resolution, this resolution shall become void and be of no further force or effect;

That this resolution shall not become effective unless and until Conditional Use Permit No. 6194, and the Disposition and Development Agreement between Vietnam Veterans of San Diego and the Redevelopment Agency of the City of San Diego, is approved by the Council;

That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions, and the City Clerk shall cause a certified copy of this resolution, attested by him under seal, to be recorded in the office of the County Recorder.

Subitem-H: (R-2004-240) ADOPTED AS RESOLUTION R-298343

Adoption of a Resolution granting Conditional Use Permit No. 6194, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

The Planning Commission is not required to make a recommendation on this project.

The Midway Community Planning Group voted unanimously to recommend approval of the project on May 6, 2003, by a vote of 12-0-0.

The North Bay Project Area Committee unanimously approved the project.

**CITY MANAGER SUPPORTING INFORMATION:**

**Discussion**

The project site comprises approximately 5 acres bounded by Witherby Street, Pacific Highway, Coutts Street and the railroad tracks east of Kurtz Street, within the North Bay Redevelopment Project Area and Midway/Pacific Highway Corridor Community Plan, and is designated for light industrial land use. The proposed project is consistent with the designated land use and the underlying IS-1-1 zone, which provides for a wide range of industrial and non-industrial land uses promoting economic vitality and a neighborhood scale within urbanized areas.

The proposed development, known as Veterans' Village, will be completed in three phases and will expand the existing use on the property from the current 87 beds to approximately 224 early treatment beds and an additional 24 three bedroom transitional housing units (containing an additional 140 beds), for a project total of 364 beds. The design of the facility is modeled on a campus environment to provide centralized facilities for medical, educational and counseling support to the veterans to facilitate their reintegration into the community after treatment. The use of courtyards and stucco and tile building materials for the facility will allude to a Spanish style of architecture and will complement the design of the Marine Corps Recruit Depot (MCRD), located south of the project site across Pacific Highway.

The proposed project will amend CUP No. 90-1127 to allow demolition and renovation of portions of the existing facility and new construction of an additional 81,330 square feet, and the completed complex would contain approximately 92,130 square feet of gross floor area. Combined with existing facilities, the project scope also includes administrative and operations support facilities such as a central courtyard with a family visiting area, a garden, exercise areas, bicycle racks, counseling center, employment/education center, kitchen/dining facility, out-patient care, and offices. One hundred twenty-five new on-site parking spaces would be provided to serve visitors and approximately 30 employees working at the expanded operations. Additionally, the site is well-served by existing public transit, Metropolitan Transit System (MTS) Routes 34 and 908. New water, sewer and storm drain utilities will be installed to serve the newly expanded facility. Public access along Witherby Street will be improved through the reconstruction of the sidewalk and addition of a pedestrian ramp to meet ADA standards. The proposed project meets all development regulations and no deviations or variances are required to implement the project.

Veterans' Village Facility Summary

| <u>Use</u>                                    | <u>Square-footage</u> |
|---|-----------------------|
| Resident Facilities (2 @ 112 bed/ea)          | 19,700                |
| Counseling Center                             | 9,900                 |
| Kitchen/Dining/Multi-purpose                  | 5,200                 |
| Employment/Education/Admin                    | 12,100                |
| Admissions                                    | 1,630                 |
| Transitional Housing (24 units with 140 beds) | 32,800                |
| <i>Subtotal of New Buildings</i>              | 81,330                |
| Existing facilities/Warehouse/Exercise        | 10,800                |
| <b>Project Total (new +existing)</b>          | <b>92,130</b>         |

**FISCAL IMPACT:**

1) The cost of acquisition of the property totaled \$2,200,000 and included \$993,000 obtained from HUD Section 108 Loan Funds. Annual expenditures of Community Development Block Grant (CDBG) funds from Council District Two will be made to repay the HUD 108 loan.

2) The appraised Fair Market Value of the property, as of June 3, 2002, was \$2,430,000. A fair estimate of its value range today, 15 months later, is \$2,550,000 - \$2,675,000.

3) There is a billboard situated atop the building at 4141 Pacific Highway. Clear Channel Outdoor, Inc. has a lease with the City for use of the billboard, which currently generates annual revenues of approximately \$11,570. The billboard and lease will transfer to the Agency, and subsequently to the VVSD, along with the real property.

4) The proposed project has requested Agency gap funding assistance in the amount of \$1,000,000. Funds are available in the Fiscal Year 2003-2004 Horton Plaza Low and Moderate Income Housing Set-Aside Fund. Findings of Benefit to authorize the use of Horton Plaza Redevelopment Project funds outside the project area are attached as Exhibit A.

Aud. Cert. 2400222.

Ewell/Griffith/Halbert/Cunningham/Hooks

**LEGAL DESCRIPTION:**

The site is located at 4141 Pacific Highway on a 3.6-acre site, in the IS-1-1 zone of the Midway Community Plan, North Bay Redevelopment Project, Airport Approach, Coastal Height Limit.

**NOTE:** See the Redevelopment Agency agenda of September 2, 2003 for companion item.

**FILE LOCATION:** SUBITEMS A & B: DEVL-Veterans Village of San Diego (07)  
SUBITEMS C, D, E:& H: LUP-Veterans Village of San Diego, 09/02/03 (65)  
SUBITEMS F & G: STRT-J-2956 (39)

**COUNCIL ACTION:** (Time duration: 11:40 a.m. - 12:00 p.m.)

Testimony in favor by Al Pavitch.

MOTION BY ZUCCHET TO ADOPT THE RESOLUTIONS, AND TO ACCEPT COUNCIL MEMBER ATKINS DIRECTION TO REDUCE THE INTEREST RATE FROM SIX PERCENT TO ZERO PERCENT AS REFLECTED IN ITEM NUMBER SIX OF THE BACK-UP MATERIAL THAT AUTHORIZES THE EXPENDITURE OF ONE MILLION DOLLARS FROM THE HORTON PLAZA REDEVELOPMENT PROJECT LOW MODERATE INCOME HOUSING SET ASIDE FUNDS, AND AS RELATED TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE PARTIES. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**NON-DOCKET ITEMS:**

NONE.



**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 3:09 p.m. in honor of the memory of:

David Casey, Sr. as requested by Council Member Peters;  
George and Barbara Murphy as requested by Council Member Peters; and  
Officer Barry Eldridge as requested by Mayor Murphy.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 3:05 p.m.- 3:09 p.m.)